

2016 Regular Session

HOUSE BILL NO. 968

BY REPRESENTATIVE HODGES

MARRIAGE/LICENSE: Provides relative to marriage licenses

1AN ACT

2To amend and reenact R.S. 9:223(B), 224(A)(6)(a) and (B)(1) and (3), 225(B)(1), 226(A)

3and (C)(2), and 228, relative to marriage licenses; to provide for the form for a

4marriage license; to provide for the inclusion of certain required information; and to

5provide for related matters.

6Be it enacted by the Legislature of Louisiana:

7Section 1. R.S. 9:223(B), 224(A)(6)(a) and (B)(1) and (3), 225(B)(1), 226(A) and

8(C)(2), and 228 are hereby amended and reenacted to read as follows:

9§223. Form

10* * *

11B. The application form shall be as follows:

Application for Marriage				
_____(Parish), State of Louisiana				
Date of Application:				
Hour of Application:				
Party A	Last Name	First Name of	Middle/Second	
GROOM	of Groom	Groom	Name of Groom	

1

2

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	Address	Is residence inside city limits? <input type="checkbox"/> Yes <input type="checkbox"/> No	Parish/County	State
	Race	Date of Birth (month-day-year)	State of Birth	
	Father's Name	State of Birth	Mother's Maiden Name <u>Prior to First</u> <u>Marriage</u>	State of Birth
<u>Party B</u> BRIDE	Last Name of Bride	First Name of Bride	Middle/Second Name of Bride	Maiden Name of Bride
	Address	Is residence inside city limits? <input type="checkbox"/> Yes <input type="checkbox"/> No	Parish/County	State
	Race	Date of Birth (month-day-year)	State of Birth	
	Father's Name	State of Birth	Mother's Maiden Name <u>Prior to first</u> <u>Marriage</u>	State of Birth
Covenant Marriage	Covenant Marriage <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete the following: We, _____ and _____ do hereby declare our intent to contract a Covenant Marriage and, accordingly, have executed a declaration of intent attached hereto.			

1	<u>Party A</u>	Has the groom been formerly	Are you divorced _____?
2	Groom	married? _____	<u>Last Marriage Ended by:</u>
		How many times? _____	<u>Death, Divorce, Annulment</u>
		<u>No. of this Marriage (1st, 2nd, etc.)</u>	<u>(Specify and Date thereof)</u>
		<u>Specify:</u>	
3	<u>Party B</u>	Has the bride been formerly	Are you divorced _____?
4	Bride	married? _____	<u>Last Marriage Ended by:</u>
		How many times? _____	<u>Death, Divorce, Annulment</u>
		<u>No. of this Marriage (1st, 2nd, etc.)</u>	<u>(Specify and Date thereof)</u>
		<u>Specify:</u>	
5	SSN	<u>Party A/ Grooms's</u> Social Security Number	<u>Party B/ Bride's</u> Social Security Number
6	<u>Education -</u>	<u>Party A/ Groom</u>	<u>Party B/ Bride</u>
7	<u>Highest</u>		
8	<u>Grade</u>		
9	<u>Completed</u>		
10	<u>or number</u>		
11	<u>of years of</u>		
12	<u>college</u>		

I _____ (print name of Party A/ groom) do swear or affirm that the information contained in this application for marriage is true and correct. I further swear or affirm that this is my _____ (1st, 2nd, etc. number) marriage but that I am not currently married to anyone else, and that I am free to marry under the laws of the state of Louisiana. I further understand and acknowledge that giving any false information or false statement in this application of marriage shall constitute the crime of filing a false public record in violation of the Louisiana Criminal Code (R.S. 14:133).

Signature of Party A/ Groom

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public/Deputy Clerk/Deputy Registrar

I _____ (print name of Party B/ bride) do swear or affirm that the information contained in this application for marriage is true and correct. I further swear or affirm that this is my _____ (1st, 2nd, etc. number) marriage but that I am not currently married to anyone else, and that I am free to marry under the laws of the state of Louisiana. I further understand and acknowledge that giving any false information or false statement in this application of marriage shall constitute the crime of filing a false public record in violation of the Louisiana Criminal Code (R.S. 14:133).

Signature of Party B/ Bride

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public/Deputy Clerk/Deputy Registrar

§224. Application; information required

A. The application for a marriage license provided by R.S. 9:223, and containing all of the following information, shall be sworn to and signed by both parties before a notary public, deputy clerk, or deputy registrar:

* * *

(6) Each party's social security number, if both parties were born in any state or territory of the United States or are naturalized citizens of the United States.

(a) If a party does not have a social security number issued by the United States Social Security Administration because the party is not a citizen or a lawful permanent resident of the United States, the party shall present ~~either~~ any of the following:

(i) A valid and unexpired passport from the country of his birth accompanied by a Form I-94 issued by the United States.

(ii) An unexpired visa accompanied by a Form I-94 issued by the United States.

(iii) A permanent residence card (Form I-551) issued by the United States.

(iv) A naturalization certificate issued by the United States.

(v) A valid and unexpired passport issued by the United States.

* * *

B.(1) Both applicants are not required to execute the application at the same time, provided that each applicant executes the application before a notary public as required by R.S. 9:224(A), and the required identification of the absent party is produced.

* * *

(3) In the event of extenuating circumstances, and after a finding that the parties have complied with all other requirements, for good cause shown, a judge of the First or Second City Courts of the city of New Orleans, a family court judge, a juvenile court judge, a district court judge, a parish judge, a city court judge, or a justice of the peace may order an issuing official within the ~~territorial jurisdiction of his court~~ parish where his court is situated to issue a marriage license with the

notarized signature of only one of the applicants. The written order shall be attached to the marriage application.

* * *

§225. Documents required; attachments

* * *

B.(1) It shall be unlawful for any officer authorized to issue a marriage license in this state to issue a license to any male or female unless both parties first present and file with the officer a certified copy of their original birth certificate or a waiver of a birth certificate pursuant to R.S. 9:228.

* * *

§226. Certified copy of birth certificate; translation to English

A. A person born in Louisiana shall submit a certified copy of his birth certificate. ~~A short-form birth certification card shall be acceptable as a certified copy of a birth certificate.~~

* * *

C. A person born outside of the United States or territory of the United States shall submit a birth certificate under the seal of the United States or shall submit all of the following:

* * *

(2) A valid and unexpired passport or an unexpired visa accompanied by a Form I-94 issued by the United States, or a naturalization certificate verifying that the applicant is lawfully in the United States.

* * *

§228. Same; court order waiving birth certificate

A. In the event of extenuating circumstances, for good cause shown, and after a hearing, which may be held in camera, finding that the parties have complied with all other requirements, including presentation of ~~the letter required by R.S. 9:227 and~~ other competent evidence of the applicants' birth facts, ~~that the applicant was born in any state or territory of the United States;~~ a judge of the First or Second City Courts of the city of New Orleans, a family court judge, a juvenile court judge,

1 or any district court judge of a parish may order an issuing official within the
2 territorial jurisdiction of his court to issue a marriage license without the applicant
3 submitting a birth certificate. The order need not state the reasons. The written
4 order shall be attached to the marriage application.

5 B. In the event of extenuating circumstances, and for good cause shown, and
6 after a hearing, which may be held in camera, finding that the parties have complied
7 with all other requirements, including presentation of ~~the letter required by R.S.~~
8 ~~9:227 and other competent evidence of the applicants' birth facts, that the applicant~~
9 ~~was born in any state or territory of the United States,~~ a justice of the peace, retired
10 justice of the peace authorized to perform the marriage, parish court judge, or city
11 court judge may order an issuing official within the parish where his court is situated
12 to issue a marriage license without the applicant submitting a birth certificate. The
13 order need not state the reasons. The written order shall be attached to the marriage
14 application.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 968 Original

2016 Regular Session

Hodges

Abstract: Provides for certain changes to the form for marriage licenses and provides for the required information for the issuance of a marriage license.

Present law provides a required standard form for marriage licences.

Proposed law retains present law but removes the requirement of designating whether the applicant lives inside the city limits, requires each applicant's mother's name prior to her first marriage, instead of her maiden name, and changes the method in which each applicant lists former marriages.

Present law provides that if a party does not have a social security number issued by the U.S. Social Security Administration because the party is not a citizen or a lawful permanent resident of the U.S., the party shall present either a valid and unexpired passport from the country of his birth or an unexpired visa accompanied by a Form I-94 issued by the U.S.

Proposed law retains present law and also requires that the valid and unexpired passport from the country of his birth be accompanied by a Form I-94 issued by the U.S., and proposed law provides other acceptable identification to be: (1) a permanent residence card (Form I-551) issued by the U.S., (2) a naturalization certificate issued by the U.S., or (3) a valid and unexpired passport issued by the U.S.

Proposed law specifies that if both parties do not execute the application at the same time, the required identification of the absent party is still required to be produced.

Present law provides that in the event of extenuating circumstances, and after a finding that the parties have complied with all other requirements, for good cause shown, a judge of the First or Second City Courts of the city of New Orleans, a family court judge, a juvenile court judge, a district court judge, a city court judge, or a justice of the peace may order an issuing official within the territorial jurisdiction of his court to issue a marriage license with the notarized signature of only one of the applicants.

Proposed law retains present law and provides that parish judges may order the issuance of the marriage license, and extends the authority of the listed judges to act within the parish where his court is situated instead of only within the territorial jurisdiction of his court.

Present law provides that it shall be unlawful for any officer authorized to issue a marriage license in this state unless both parties file a certified copy of their original birth certificate.

Proposed law retains present law and also authorizes the filing of a waiver of a birth certificate pursuant to present law, but removes the authority to submit a short-form birth certificate.

Present law provides that a person born outside of the U.S. or territory of the U.S. shall submit a birth certificate under the seal of the U.S. or shall submit, among other documentation, a valid and unexpired passport or an unexpired visa accompanied by a Form I-94 issued by the U.S. verifying that the applicant is lawfully in the U.S.

Proposed law authorizes the production of a naturalization certificate in lieu of a valid and unexpired passport or an unexpired visa accompanied by a Form I-94.

Present law provides that a judge of the First or Second City Courts of the city of New Orleans, a family court judge, a juvenile court judge, any district court judge of a parish, a justice of the peace, or a city court judge may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate in the event of extenuating circumstances, for good cause shown, and after a hearing finding that the parties have complied with all other requirements, including presentation of the letter signed by the proper registration authority of the foreign state, territory, or country, and other competent evidence that the applicant was born in any state or territory of the U.S.

Proposed law includes retired justices of the peace authorized to perform the marriage with those judges who may order an issuing official within the territorial jurisdiction of his court to issue a marriage license without the applicant submitting a birth certificate in the event of extenuating circumstances.

Proposed law deletes the requirement that the applicant be born in any state or territory of the U.S., deletes the requirement of presentation of the letter signed by the proper registration authority of the foreign state, territory, or country, and requires competent evidence of the applicants' birth facts.

(Amends R.S. 9:223(B), 224(A)(6)(a) and (B)(1) and (3), 225(B)(1), 226(A) and (C)(2), and 228)